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In re Application of : **OFFICE OF PETITIONS**
Schurig, et al. :
Filed: December 30, 2003 : ON PETITION
Application No. 10/748,423 :
Atty. Dkt. No.: 4041A-000012 :

This decision is in response to the "PETITION UNDER 37 C.F.R. § 1.181(f)" filed August 17, 2004, to accord the above-identified application a filing date of December 30, 2003.

The application was filed December 30, 2003. The Notice of Incomplete Nonprovisional Application ("Notice") mailed August 5, 2004 by the Office of Initial Patent Examination notified applicant that the application had not been accorded a filing date because the application was deposited without drawings in accordance with 35 USC 113 (first sentence).

Petitioner herein argues that the application as deposited included 6 sheets of formal drawings. Petitioner has included as proof of mailing and proof of receipt of the 6 sheets of formal drawings a return postcard date stamped by the Office on December 30, 2003. A copy of 6 sheets of formal drawings purportedly filed with the application on December 30, 2003 was also supplied.

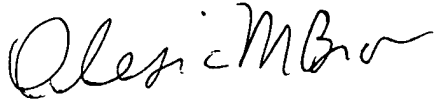
The original 6 sheets of formal drawings submitted with the application papers have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of December 30, 2003 is GRANTED and the Notice is WITHDRAWN.

Since the 6 sheets of formal drawings cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund to deposit account No. 08-0750 has been requested from the Finance Office, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 30, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

A handwritten signature in cursive script, appearing to read "Alesia M. Brown".

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions